

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA

ROBERT ANDREW WERMUTH, #189991,

PLAINTIFF,

-vs-

SHANNON CARROL YOUNGBLOOD,
MONTGOMERY CITY POLICE OFFICER,
OFFICER R.D. CALHON, BADGE #1294,
ET. AL.,
DEFENDANTS.

CASE NUMBER:

ASSIGNED BY CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

2:05CV044-D

A F F I D A V I T

STATE OF ALABAMA }

COUNTY OF MONTGOMERY }

Before me, the undersigned authority, personally appeared one: **MARTHA HUMPHREY**, who; first being duly sworn by me, did depose and sayeth, under penalty of perjury, and, to the best of her knowledge and belief, the following, to wit;

AFFIANT SO SAYETH:

- 1). That I am the affiant in this instant affidavit and that I do have personal and instant knowledge of the contents of this instant affidavit, and;
- 2). That I am over the legal age of twenty-one (21) years, and;
- 3). That I am a bona-fide resident of the State of Alabama, in foresaid County of Montgomery, and;
- 4). That I am not a member of any Armed Forces within the United States of America, and;
- 5). That I am not under the care of any medical or mental health doctor or on prescribed psycotropic medication, and;
- 6). That I make this instant "Affidavit" of my own free will, without any coercion, duress, promise of pecuniary gain, and, that I make this instant affidavit to help correct what I personally feel are wrongs done to the Plaintiff by the Defendant's action, named herein.

S T A T E M E N T

That on or about September 30, 2003, Mr. Wermuth committed a crime which caused the police to pursue him. Mr. Wermuth led police to his home, which is also my home, then voluntaril stepped out of his vehicle and laid on the ground

Exhibit "H H"

with his arms spread to his sides. As Mr. Wermuth laid on his stomach, a police officer had a knee in his back and also had his gun drawn. At that point the officers commanded their dog to control Mr. Wermuth, although Mr. Wermuth had already voluntarily surrendered. As I watched, the dog viciously began attacking Mr. Wermuth and Mr. Wermuth pleaded with the police officer, in vain, to restrain his dog. Unfortunately, said police officer refused to restrain said dog and the unwarranted and vicious attack continued against Mr. Wermuth.

Furthermore, I witnessed extensive physical damage to Mr. Wermuth caused by the unwarranted and vicious attack by the police officer's dog.

Because of the extensive and serious physical damage suffered by Mr. Wermuth, Mr. Wermuth, after the unwarranted attack injuries were very serious and Mr. Wermuth needed immediate medical attention.

Unaware as to exactly what was happening, when I stepped outside the door of our home and when I questioned the officer(s) as to the events going on outside our home, I was I was told by said officer(s) to go back inside.

At that time I stood in my doorway, watching the incident very carefully. Although Mr. Wermuth was pleading with the officer(s) to restrain the dog, said officer(s) were constantly commanding said dog to continue its attack on Mr. Wermuth.

These events are utterly disturbing to me as I witnessed said events first hand. As a citizen of the United States and long time resident of the City of Montgomery I would like for an explanation of the reasons behind such a brutal attack against Mr. Wermuth?

In the past, I had much respect for our law enforcement, but, after witnessing first hand of the vicious attack against Mr. Wermuth, my respect has diminished considerably.

Hopefully, with a full explanation as to why Mr. Wermuth suffered such a vicious and unwarranted attack to such a degree to warrant medical attention of his wounds, my trust of law enforcement can be restored?

This statement is being submitted by me under penalty of perjury and to the best of my knowledge and belief to said events

that were personally witnessed by me against Mr. Wermuth on or about September 30, 2003.

AFFIANT SAYETH NOTHING FURTHER.

Executed this the 2nd day of ~~April~~^{MAY}, 2005.

X Martha Humphrey
MARTHA HUMPHREY-AFFIANT

- N O T A R Y S T A T E M E N T -

STATE OF ALABAMA }

COUNTY OF MONTGOMERY }

SWORN TO AND SUBSCRIBED BEFORE ME THIS THE 2nd DAY OF

May, 20 05.

[Signature]
NOTARY PUBLIC

9/24/06
MY COMMISSION EXPIRES